THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 24079 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 1.11.2007 passed by the A.P. Administrative Tribunal in O.A. No. 6663 of 2007.

Heard the learned counsel for the parties and perused the material available on record.

The petitioners herein filed O.A. 6663 of 2007 before the Tribunal challenging the final seniority list published by the 1st respondent vide Proceedings Rc. No. F2/951/2005 dated 5.10.2007. On the ground that Rule 26 of the State and Subordinate Service Rules provides for an appeal against the seniority list and other conditions of service and that the petitioners have not availed the said remedy, the Tribunal dismissed the O.A. leaving it open to them to avail the alternative remedy.

It is contended by the learned counsel for the petitioners that the view taken by the Tribunal is erroneous in view of the earlier orders of the Tribunal in O.A. No. 3276 of 2007 dated 14.6.2007 and also in view of the fact that alternative remedy is not a bar for adjudicating the issue. It is further contended that the 1st respondent has no power to alter or reopen the settled seniority after lapse of several years and the Tribunal as well as this Court in several cases held that the seniority fixed after issuing notice cannot

be reopened after long lapse of time. It is also contended that there is no need to file an appeal under Rule 26, as the issue involved is with regard to revision of seniority list.

We have also perused the contentions raised in the affidavit filed in support of the writ petition and having regard to the facts and circumstances, we deem it proper to remand the matter to the Tribunal to hear the same on merits after giving an opportunity to the official respondents to file counter and to pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order. Till such time, status quo existing as on today shall be maintained.

The writ petition is accordingly allowed and remanded with the above direction.

T. MEENA

KUMARI, J.

G. CHANDRAIAH, J.

Date: 15-11-2007.

MVB.